

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 2nd day of February, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: K. M. Hubert, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Don Brummett, Acting Public Works Director
Frank Truitt, City Inspector
Rickie Kilgore, Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, Jim & Alpha Covington, Jeannie Brummett, Kenny Thompson, Jo Ann Bief, Judith Vlasek, Sandy Swanson, Phil & Nell Reynolds, Barbara Eichler, Eva Young, Pamela Dixon, Jen Jones, Jake Rubinowitz, Ellie & Edward Block, S. Bleicher, Rosemary Vega & Arnold Govella/Chamber of Commerce, Joan Snodgrass, Jane Doss Harlan & Elizabeth Roberts, Rochella Thomas, J. Mosley, Jen Bruett, Rev. & Mrs. J.D. Ramey, Karen Rowe, Terry Stansberry, Cindy Bankes, Ed Boyd, Marilyn & R.W. Price, John S. Gardner, Jaquiline Jasper, Rev. & Mrs. D. Herris, Darlene & Daune Phillips, Jeanne & Randy Hunter, Robyn Oglesby, Jim Rumman, Lucille Spriggs, Alton K. Briggs

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on February 2, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Reverend James D. Ramey gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSIDER AND ACT ON APPROVING THE MINUTES OF JANUARY 19, 2009.

Council Member Hametner made the motion to approve the minutes of January 19, 2009. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 4. PROCLAMATION RECOGNIZING REVEREND JAMES D. RAMEY.

The Proclamation recognizing Reverend Ramey’s contribution and spiritual leadership to the Antioch Baptist Church was read and presented to Reverend Ramey by Mayor Knight.

Reverend Ramey accepted the Proclamation and gave a gracious acceptance speech.

ITEM 5. CONSIDER AND ACT ON:

- (A) **APPROVING THE 2009 CHAMBER OF COMMERCE BUDGET.**
- (B) **APPROVING RENEWAL OF THE PUBLICITY AND TOURISM AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND THE ARANSAS PASS CHAMBER OF COMMERCE, DATED SEPTEMBER 4, 2007.**
- (C) **RATIFYING ANY AND ALL BUSINESS CONDUCTED BY AND BETWEEN THE CITY OF ARANSAS PASS AND THE ARANSAS PASS CHAMBER OF**

COMMERCE FROM SEPTEMBER 4, 2008 THROUGH FEBRUARY 2, 2009.

The City Attorney concurred with Mayor Knight that all three items could be included in one motion.

Council Member Mayer made the motion to approve items (A), (B) and (C). Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 6. CONSIDER AND ACT ON APPOINTMENT OF LIBRARY BOARD MEMBERS FOR THE ED & HAZEL RICHMOND PUBLIC LIBRARY.

Council Member Hametner made the motion to reappoint Helen Aylott, Ruth Maddox, Patsy Crumrine and Debra Kullman (the only applicants) to the Ed & Hazel Richmond Public Library. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON CONTRIBUTING TOWARD A MATCHING GRANT RECEIVED BY THE RIALTO THEATER USING HOTEL/MOTEL TAX FUNDS.

Council Member Hametner made the motion to untable Item 7. Council Member Mayer seconded the motion and the motion carried unanimously.

City Manager Kandi Hubert stated she had contacted the State Comptroller's Office regarding Hotel/Motel Tax expenditures and was informed that 15% of the Hotel/Motel Tax receipts could be used for the Arts. She stated there was \$31,000.00 that could be allocated to the Arts from the Hotel/Motel Tax (funds).

Jen Jones representing the Rialto Theater stated they had operated in the Rialto Theater since 2006 with all but one of the Board of Directors living in the City. She stated the Theater had a strong track record of plays, music and art exhibits. She stated the Texas Historical Commission, the Tropical Trails of the Heritage Trails Program, would visit the Rialto Theater February 21 to see what had been done to the Theater from a historical standpoint. She stated there was also interest in starting a local radio station from the Rialto Theater.

Ms. Jones spoke on statistics on visitors to the Rialto Theater, promoting tourism, a white paper from President/CEO of the Texas Hotel/Motel Association which was an overview on the applications allowed from Hotel/Motel Tax funds. She stated the Rialto Theater was asking for \$9,948.00 to be used for advertising, print and online ads.

Discussion was held on \$5,000.00 the Council gave to a previous occupant of the Rialto Theater.

Council Member Hametner spoke for the Rialto Theater and the asset of the Arts to communities.

Council Member Hametner made the motion to contribute \$9,984.00 toward a matching grant by the Rialto Theater using Hotel/Motel Tax funds upon entering into a contract between the City and the Rialto Theater, considering the Theater's budget and consulting with the City Attorney. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON APPROVING IRVING ELECTRIC'S PROPOSAL FOR INSTALLING LIGHTING ON THE TRAFFIC ISLANDS IN FRONT OF CITY HALL.

The City Manager stated the proposal was for all the traffic islands (Wheeler Avenue, Cleveland Avenue and Harrison Boulevard). She stated she would like the Council's opinion of revising the bid to include just the traffic island with the "Double Header" statue and flags until palm trees are planted on Harrison Boulevard by the Texas Dept of Transportation, tentatively scheduled for March 2009.

Mayor Knight asked was there money in the budget for that project?

The City Manager stated no, budget amendments would be on the next Council agenda. She stated the Council had expressed the desire to have the traffic island with the statue and flags lighted.

Mayor Knight stated there should be lighting on the (traffic) island if the City could afford it.

No action was taken

ITEM 9. CONSIDER AND ACT ON APPROVING CHANGE ORDER NO. 9 (CIVIC CENTER).

Council Member Hametner made the motion to approve Change Order No. 9 for the Civic Center in the amount of \$5,027.67. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 10. **CONSIDER AND ACT ON APPROVING PAY APPLICATION NO. 12 (CIVIC CENTER).**

Council Member Mayer made the motion to approve Pay Application No. 12 for the Civic Center in the amount of \$263,911.50. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 11. **CONSIDER AND ACT ON APPROVING A LANDSCAPING CONTRACT BETWEEN CHOCHRAN LANDSCAPE AND CITY OF ARANSAS PASS FOR THE CIVIC CENTER.**

After approval of the City Attorney to consider Items 11 and 12 together, Council Member Hametner made the motion to approve a landscaping contract between Chochran Landscape and the City of Aransas Pass for the Civic Center and approve a landscape maintenance contract between Chochran Landscape and City of Aransas Pass for the Civic Center. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 12. **CONSIDER AND ACT ON APPROVING A LANDSCAPE MAINTENANCE CONTRACT BETWEEN CHOCHRAN LANDSCAPE AND CITY OF ARANSAS PASS FOR THE CIVIC CENTER.**

Approved in Item 11.

ITEM 13. **CONSIDER AND ACT ON APPROVING A BID FOR TWO ½ TON TRUCKS FOR THE PUBLIC WORKS DEPARTMENT.**

Mayor Knight recused himself from consideration of this item and Mayor Pro Tempore Attaway proceeded with the agenda item.

After a short discussion, Council Member Hametner made the motion to approve the lowest bid of \$16,010.30 for each truck from Commercial Motor Company. Council Member Mayer seconded the motion and the motion carried with Mayor Pro Tempore Attaway and Council Members Hametner, Mayer and Abrego voting yes and Mayor Knight recusing himself.

Mayor Pro Tempore Attaway turned the meeting back to Mayor Knight.

ITEM 14. **CONSIDER AND ACT ON REQUEST OF TEXAS DEPARTMENT OF TRANSPORTATION FOR CONCURRENCE FROM THE CITY OF ARANSAS PASS TO CLOSE N. AVENUE A BETWEEN WHEELER AVE. AND STATE HIGHWAY 35 FOR THE DURATION OF A REHABILITATION PROJECT ON N. AVENUE A.**

The City Manager stated a portion of North Avenue A would be closed for approximately 90 days for the project. She stated before the State could go out for bids the concurrence of the Council on temporarily closing the road was necessary.

Council Member Hametner made the motion to approve concurrence from the City of Aransas Pass to close N. Avenue A between Wheeler Avenue and State Highway 35 for the duration of a rehabilitation project on N. Avenue A. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 15. **CONSIDER AND ACT ON:**

CONSIDERE Y ACTÚE SOBRE:

(A) CALLING AND APPROVING ORDER OF THE GENERAL ELECTION FOR THE CITY OF ARANSAS PASS TO ELECT MAYOR, COUNCIL MEMBER PLACE 1 AND COUNCIL MEMBER PLACE 3.

(A) LLAMANDO Y PARA APROBAR ORDEN DE LA ELECCIÓN GENERAL PARA LA CIUDAD DE ARANSAS PASS, TEXAS, PARA ELEGIR A ALCALDE, LUGAR DE MIEMBRO DE CONCILIO NUMERO 1 Y LUGAR DE MIEMBRO DE CONCILIO NUMERO 3.

Council Member Mayer made the motion to approve Order of the General Election for the City of Aransas Pass to elect Mayor, Council Member Place 1, and Council Member Place 3. Council Member Abrego seconded the motion and the motion carried unanimously.

El Miembro del concilio Mayer hizo el movimiento para aprobar Orden de la Elección General para la Ciudad de Aransas Pass para elegir a Alcalde, Lugar de Miembro de Concilio 1, y Lugar de Miembro de Concilio 3. El Miembro del concilio Abrego apoyó el movimiento y el movimiento llevó unánimemente.

(B) APPROVING NOTICE OF GENERAL ELECTION FOR MAY 9, 2009.

(B) APROBANDO NOTA DE ELECCIÓN GENERAL PARA EL 9 DE MAYO DE 2009.

Council Member Hametner made the motion to approve Notice of General Election for May 9, 2009. Council Member Mayer seconded the motion and the motion carried unanimously.

El Miembro del concilio Hametner hizo el movimiento para aprobar Nota de Elección General para el 9 de Mayo de 2009. El Miembro del concilio Mayer apoyó el movimiento y el movimiento llevó unánimemente.

(C) ORDINANCE 2009 – 3954 - AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS PROVIDING DATE AND TIME OF THE 2009 CITY GENERAL ELECTION TO BE CONDUCTED BY THE SAN PATRICIO COUNTY ELECTION ADMINISTRATION OFFICE; FOR EARLY VOTES CAST ON DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEM AND BY PAPER BALLOT, PROVIDING PLACE AND PRECINCT NUMBER WHERE ELECTION IS TO BE HELD, PROVING THE RATE OF PAY PER HOUR FOR JUDGES AND CLERKS, AND PROVIDING DATE AND TIME OF EARLY VOTING.

(C) ORDENANZA 2009 – 3954 – UNA ORDENANZA DE LA CIUDAD DE ARANSAS PASS, TEXAS, SUMINISTRANDO LA FECHA Y LA HORA DE LA ELECCIÓN GENERAL 2009 DE LA CIUDAD, PARA SER REALIZADA POR LA OFICINA DE LA ADMINISTRACIÓN DE ELECCIÓN DEL CONDADO DE SAN PATRICIO; PARA EL LANZO DE VOTOS TEMPRANOS, EN CUANDO A REGISTRO DIRECTO ELECTRÓNICO, SISTEMA DE VOTAR Y POR BALOTA DE PAPEL; SUMINISTRANDO LUGAR Y NUMERO DE RECINTO DONDE LA ELECCIÓN A DE SER TENIDO. SUMINISTRANDO EL SUELDO POR HORA PARA JUECES Y OFICINISTAS, Y SUMINISTRANDO LA FECHA Y L HORA DE VOTACIÓN TEMPRANA.

Mayor Pro Tempore Attaway made the motion to approve Ordinance 2009 – 3954 - an Ordinance of the City of Aransas Pass, Texas Providing date and time of the 2009 City General Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting System and by paper ballot, Providing Place and Precinct Number where Election is to be held, Proving the rate of pay per hour for Judges and Clerks, and Providing date and time of Early Voting. Council Member Mayer seconded the motion and the motion carried unanimously.

El alcalde Pro Temporalio Attaway hizo el movimiento para aprobar Ordenanza 2009 – 3954 - una Ordenanza de la Ciudad de Aransas Pass, Texas que Proporciona la fecha y el tiempo de la 2009 Elección General de la Ciudad para ser realizado por la San Oficina de la Administración de Elección de Condado de Patricio; para Votos Tempranos lanzó a Dirigir que Registra Electrónico (DRE) Votando Sistema y por votación de papel, Proporcionando Lugar y Zona Número donde Elección es de ser tenido, Demostrando El sueldo por hora para Jueces y Empleados, y para Proporcionar la fecha y el tiempo de Votar Temprano. El Miembro del concilio Mayer apoyó el movimiento y el movimiento llevó unánimemente.

ITEM 16.

DISCUSSION REGARDING BED & BREAKFAST BUSINESSES.

Mayor Knight stated after meeting with the City Inspector and being told the house she wanted to convert to a “bed and breakfast” (B&B) business was not allowed within the zoning, Ms. Roe asked that the subject be brought before Council. The Mayor stated Rockport 8, Port Aransas 3, and Ingleside 3 or 4 B&B businesses and have no problem with the businesses. He stated the businesses charged Hotel/Motel tax. He stated he thought the City should allow the B&B businesses on a Conditional Use Permit basis.

The City Attorney stated he thought the matter should go before the Planning and Zoning Commission.

Council Member Hametner stated the question should go before the Planning and Zoning Commission. He stated there would probably be many requests in the future regarding changes in use of the property on Harrison Boulevard. He stated Harrison Boulevard had been mainly residential and is in transition to other uses including business.

Discussion was held on zoning changes and conditional use permits being applied to the property on Harrison Boulevard.

ITEM 17.

CITIZENS’ COMMENTS.

None

ITEM 18.

RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:35 p.m.

A. Section 551.071 Consultation with Attorney - litigation matters

- B. Section 551.072 Deliberations regarding Real Property
 - 1. Cooper/CHIP Investments
 - 2. LWR and ICW Properties

ITEM19. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Regular Session at 9:02 p.m.

- A. Section 551.071 Consultation with Attorney - litigation matters
- B. Section 551.072 Deliberations regarding Real Property
 - 1. Cooper/CHIP Investments
 - 2. LWR and ICW Properties

No action taken.

ITEM 15. ADJOURNMENT OF MEETING.

Council Member Hametner made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 9:03 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary